

REMARKS

Claims 8-27 are presently in the case. Claims 1-7 have been canceled

Claims 8-27 have been rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The examiner finds that the recitation of “**linear** fuel outlets” is new matter. In addition, claims 8-27 have also been rejected under 35 U.S.C. 112, second paragraph, as indefinite because the language “the linear fuel outlets” has no antecedent. Reconsideration of the rejections is requested.

In order to overcome the 35 U.S.C. 112, second paragraph, rejection, the language “the linear fuel outlets (68) extending from this annular groove” has been amended to read “the fuel outlets (68) extending from this annular groove **in a straight line from one end of each fuel outlet located at the first annular groove (66a) to an opposite end of each fuel outlet.**”

With regard to the 35 U.S.C. 112, first paragraph, rejection, it is pointed out that the original drawings (see, Figs. 4-6) show the fuel outlets (68) extending linearly, in a straight manner, from annular groove 66a. Therefore, the wording of the claim as previously amended was not new matter. However, in order to advance prosecution of the application, the word “linearly” has been deleted from claim 8 and the claim now recites that the fuel outlets (68) extend from the annular groove 66a in a straight line from one end of each fuel outlet located at the annular groove 66a to an opposite end of each fuel outlet. Also, the specification has been amended to include the same language. Again, this feature of applicant’s invention is clearly illustrated in the original drawings and is, therefore, not new

matter.

Claims 8-15 have been rejected under 35 U.S.C. 102 as being anticipated by Kato et al. (JP 2001-317433). Reconsideration of the rejection is requested.

In making the rejection, the examiner has ignored the language “the linear fuel outlets” and has simply repeated the rejection made in the previous Office action. It was improper for the examiner to ignore language in the claim and to fail to respond to the applicant’s arguments regarding the differences between the claimed structure and that taught by Kato et al.

There are clearly differences between the structure taught by the reference and that taught and claimed by the applicant. Applicant’s invention includes a first annular groove (66a) provided in the housing (30), a second annular groove (66b, Fig. 6)) provided on the valve element and fuel outlets (68) extending from the first annular groove (66a) in a straight line from one end of each fuel outlet located at the first annular groove (66a) to an opposite end of each fuel outlet.

In contrast, Kato et al teaches (Figs. 23 and 24) fuel outlets 7, but these fuel outlets do not have an end located at the groove 18 provided in the housing 2. Instead, the outlets are connected to the groove 18 by a second passageway 22. This second passageway 22 intersects the outlet 7 at an angle in a tangential manner (see inset in Fig. 23) so as to impart a swirling motion to the fuel as it exits the nozzle.

To support a rejection of a claim under 35 U.S.C. 102(b), it must be shown that each element of the claim is found, either expressly described or under principles of inherency, in a

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single prior art reference. See Kalman v. Kimberly-Clark Corp., 713 F.2d 760, 772, 218 USPQ 781, 789 (Fed. Cir. 1983), cert. denied, 465 U.S. 1026 (1984).

Kato et al fails to teach a fuel injection device of the type recited in claims 8-15, including a first annular groove provided in the injection device housing and a plurality of fuel outlets extending from this annular groove in a straight line from one end of each fuel outlet located at the annular groove to an opposite end of each fuel outlet. Therefore, claims 8-15 are not anticipated by Kato et al.

Claims 16-18 have been rejected under 35 U.S.C. 103 as being unpatentable over Kato et al. in view of Lambert et al. (US 6,467,702) and claims 19-27 have been rejected under 35 U.S.C. 103 as being unpatentable over Kato et al. in view of Lambert et al. (US 6,758,407).

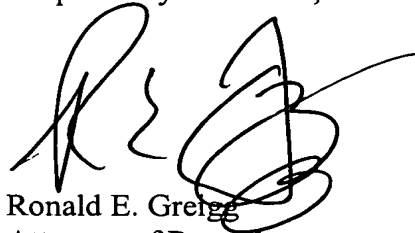
To establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. In re Royka, 490 F.2d 981, 180 USPQ 580 (CCPA 1974).

Like Kato et al., neither Lambert et al. (702) nor Lambert et al. (407) teaches a straight fuel outlet having one end originating at a groove in the injection device body as required by claims 16-27. Accordingly, claims 16-27 are not rendered obvious by the combined teachings of Kato et al and Lambert et al. (702) or Kato et al and Lambert et al (407).

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Entry of the amendment and allowance of the claims is respectfully solicited.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'R. Greigg', with a large, stylized flourish extending from the end.

Ronald E. Greigg
Attorney of Record
Registration No. 31,517
CUSTOMER NO. 02119

GREIGG & GREIGG, P.L.L.C.
1423 Powhatan Street, Suite One
Alexandria, VA 22314
Tel. (703) 838-5500
Fax. (703) 838-5554

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